

Amendments to the Drawings

A new drawing sheet including amended Fig. 3A is attached following page 12 of this paper.

Remarks/Arguments

Claims 1, 3, 5, 6, and 9 have been amended. Claims 14 and 15 have been cancelled. New claims 23 and 24 have been added.

Specification

The specification has been amended. Support for such amendments is found in original Figs. 1, 2, and 3A and paragraph [0022] of the original specification.

Drawings

An amended Fig. 3A is provided in the sheet in the attached Appendix following page 12 of this paper. In particular, Fig. 3A has been amended to include reference numbers 310-312.

Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0043868 to Stewart (*Stewart*). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

As for claim 1, claim 1 has been amended and now recites, among other things, the features “a thermal electric cooler (TEC) disposed on the lower portion of the stepped surface of the substrate, the TEC having a plurality of elongated TEC elements disposed substantially in parallel between a top and a bottom portion of the TEC, the top portion of the TEC having a top planar surface that is substantially orthogonal to the TEC elements; and a laser light source disposed on the top planar surface of the top portion of the TEC.” Applicant submits that such features are not taught in *Stewart*. Instead, *Stewart* at best only teaches a header subassembly (i.e., optoelectronic device) 100 that includes a laser emitter (i.e., laser light source) 106 and an active temperature control device (i.e., TEC) 200 that is disposed on the stepped surface of a header structure (i.e., substrate) 102, wherein, and in contrast to the recitations of claim 1, the laser emitter 106 is located on a surface of a top portion 112 of the active

temperature control device 200 that is parallel with the TEC elements 114 of the active temperature control device 200. For at least this reason, claim 1 is patentable over Stewart.

Claims 2-12 depend from independent claim 1 incorporating its recitations. Accordingly, for at the same reasons, claims 2-12 are likewise patentable over *Stewart*.

Claims 1, 2, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,778,576 to Acklin et al. ("*Acklin*"). Applicant respectfully requests reconsideration of this rejection for at least the following reasons.

As for claim 1, claim 1 currently recites the features "a substrate having a stepped surface having a lower and a uopper portion" and "a thermal electric cooler (TEC) disposed on the lower portion of the stepped surface of the substrate." Applicant submits that such features are not taught in *Acklin*. At best, *Acklin* teaches to insert a peltier element (i.e., TEC element) 25 in a recess (i.e., cavity) 24 within a ceramic substrate 2 and not on the lower portion of the stepped surface of the substrate 2 as recited in claim 1. For at least this reason, claim 1 is patentable over *Acklin*.

Claims 2 and 9 depend from claim 1, incorporating its recitations. Thus, for at least the same reasons, claims 2 and 9 are also patentable over *Acklin*.

Rejection under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claim 7 as being unpatentable over Stewart in view of what the Examiner deems as obvious. Applicant respectfully request reconsideration of this rejection for at least the following reason.

Claim 7 indirectly depends from claim 1, incorporating its recitations. The deficiencies of Stewart as they relate to claim 1 descibed above are not cured by what the Examiner considers obvious. For at least this reason, claim 7 is patentable over Stewart in view of what the Examiner deems obvious.

New Claims

New claims 23 and 24 have been added. New claims 23 and 24 depend from claim 1, incorporating its recitations. Thus, for at least the same reasons that claim 1 is patentable over *Stewart* and *Acklin*, new claims 23 and 24 are also patentable over *Stewart* and *Acklin*.

Conclusion

In view of the foregoing, the Applicant respectfully submits that claims 1-12, 23, and 24 are in a condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2099.

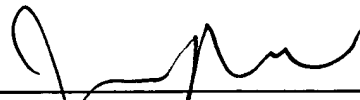
The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,

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